

DRAFT

SAN DIEGO UNIFIED PORT DISTRICT

ORDINANCE xxxx

ORDINANCE GRANTING AN APPROXIMATELY SIXTY-FOUR (64) YEAR EASEMENT, IN SUBSTANTIAL FORM, TO SAN DIEGO GAS & ELECTRIC FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF UNDERGROUND ELECTRICAL FACILITIES IN CONNECTION WITH THE IMPLEMENTATION OF THE CHULA VISTA BAYFRONT PROJECT IN THE CITY OF CHULA VISTA, CALIFORNIA

WHEREAS, the San Diego Unified Port District (“District”) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (“Port Act”); and

WHEREAS, Section 87(b) of the Port Act grants authority to the District to lease the tidelands or submerged lands, or parts thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which those lands are held, by the State of California; and

WHEREAS, Section 21 of the Port Act requires that all grants, franchises, leases, permits or privileges for more than five (5) years shall be made by ordinance; and

WHEREAS, the Board of Port Commissioners (“Board”) previously approved a Ground Lease between the District and RIDA Chula Vista, LLC (“RIDA”) and subsequently a Project Implementation Agreement among RIDA, the District, the City of Chula Vista, and the Chula Vista Bayfront Facilities Financing Authority at the May and June 2021 Board meetings, respectively; and

WHEREAS, these agreements, among others, are to facilitate the construction of the following improvements on Parcel H-3 within the Harbor District of the Chula Vista Bayfront (collectively, the “Project”): (i) a single-branded resort hotel with approximately 1,600 rooms; (ii) a convention center consisting of approximately 275,000 net usable square feet of associated meeting space; and (iii) surrounding streets and infrastructure improvements; and

WHEREAS, an easement between the District and San Diego Gas & Electric Company (“SDG&E”) in the form of Attachment B to the Agenda Sheet to which this Ordinance relates (“Easement”) is needed to facilitate the construction and maintenance of electrical facilities on the H3 parcel within the boundaries of RIDA’s leasehold, as shown on Attachment A to the Agenda Sheet to which this

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Ordinance relates, and in the specific location described and depicted on the plat and legal description attached to the Easement as Exhibit A and Exhibit B; and

WHEREAS, the term will commence on the date the Easement is executed by the District and SDG&E and will terminate on May 25, 2088, which is coterminous with RIDA's Ground Lease; and

WHEREAS, the form and substance of the Easement has been agreed to between the District and SDG&E; however, Exhibit A and Exhibit B attached to the Easement may need to be updated to conform with the District's standard requirements for the plat map and legal description for the area identified in the Easement or to adjust the area identified in the Easement, provided that the location of the Easement will in any event be located within the H3 parcel; and

WHEREAS, if the Board adopts this Ordinance approving the proposed Easement, it will authorize the Executive Director or their designated representative to (i) administratively approve and execute the Easement substantially in the form attached as Attachment B to the Agenda Sheet, and (ii) to administratively update the plat and legal description of the area identified in the Easement to conform with the District's standard requirements or to adjust the area identified in the Easement so long as the Easement area remains within the H3 parcel; provided that this Ordinance's effectiveness will be conditioned upon RIDA providing written consent to the Easement; and

WHEREAS, in light of the foregoing and to further implement the Project, staff recommends the Board adopt an ordinance granting the proposed Easement, in substantial form, to SDG&E for underground electrical facilities to provide utility service to the Project, subject to the foregoing condition.

NOW, THEREFORE, the Board of Port Commissioners of the San Diego Unified Port District does ordain as follows:

1. Conditioned upon RIDA providing its written consent to the Easement, the Executive Director or their designated representative is hereby authorized: to (i) administratively approve and execute the Easement substantially in the form attached as Attachment B to the Agenda Sheet to which this Ordinance relates; and (ii) to administratively update the plat and legal description of the area identified in the Easement to conform with the District's standard requirements or to adjust the area identified in the Easement so long as the Easement area remains within the H3 parcel.

2. This Ordinance shall take effect on the 31st day from its passage by the Board of Port Commissioners.

APPROVED AS TO FORM AND LEGALITY:

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GENERAL COUNSEL

By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 5th day of December 2023, by the following vote: